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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

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11 ANNE MARIE QUINN; STEVEN QUINN,) Civil No. 08cv0363 W(RBB)
12)
12 Plaintiffs,) CASE MANAGEMENT CONFERENCE
13) ORDER REGULATING DISCOVERY AND
13 v.) OTHER PRETRIAL PROCEEDINGS
14)
14 ASSET MANAGEMENT COMPANY, a) (Rule 16, Fed.R.Civ.P.)
corporation; PETER FINE, an) (Local Rule 16.1)
15 individual,)
16)
16 Defendants.)
17 _____

18 Pursuant to rule 16 of the Federal Rules of Civil Procedure, a
19 case management conference was held on April 28, 2008. After
20 consulting with the attorneys of record for the parties and being
21 advised of the status of the case, and good cause appearing,

22 IT IS HEREBY ORDERED:

23 1. All discovery shall be completed by all parties on or
24 before January 26, 2009. All motions for discovery shall be filed
25 no later than thirty (30) days following the date upon which the
26 event giving rise to the discovery dispute occurred. For oral
27 discovery, the event giving rise to the discovery dispute is the
28 completion of the transcript of the affected portion of the

1 deposition. For written discovery, the event giving rise to the
2 discovery dispute is the service of the response. All
3 interrogatories and document production requests must be served by
4 November 24, 2008.

5 2. Plaintiff(s) shall serve on all other parties a list of
6 expert witnesses whom Plaintiff(s) expect(s) to call at trial by
7 November 24, 2008. Defendant(s) shall serve on Plaintiff(s) a list
8 of expert witnesses Defendant(s) expect(s) to call at trial by
9 December 22, 2008. Each party may supplement its designation in
10 response to the other party's designation no later than January 5,
11 2009. The parties must identify any person who may be used to
12 present evidence pursuant to Rules 702, 703 or 705 of the Federal
13 Rules of Evidence. This requirement is not limited to retained
14 experts. The designation(s) shall comply with rule 26(a)(2) of the
15 Federal Rules of Civil Procedure and be accompanied by a written
16 report prepared and signed by each witness, including in-house or
17 other witnesses providing expert testimony. The failure to fully
18 comply with these requirements may result in the exclusion of
19 expert testimony.

20 3. Any motion to join other parties, to amend the pleadings
21 or to file additional pleadings shall be filed and heard on or
22 before October 27, 2008.

23 4. All other pretrial motions must be filed on or before
24 February 23, 2009. Please be advised that counsel for the moving
25 party must obtain a motion hearing date from the law clerk of the
26 judge who will hear the motion. **Be further advised that the period**
27 **of time between the date you request a motion date and the hearing**
28 **date may vary from one district judge to another. Please plan**

1 **accordingly.** For example, you should contact the judge's law clerk
2 in advance of the motion cutoff to calendar the motion. Failure to
3 timely request a motion date may result in the motion not being
4 heard.

5 Questions regarding this case should be directed to the
6 judge's law clerk. The Court draws the parties' attention to Local
7 Rule 7.1(e)(4) which requires that the parties allot additional
8 time for service of motion papers by mail. Papers not complying
9 with this rule shall not be accepted for filing.

10 Briefs or memoranda in support of or in opposition to any
11 pending motion shall not exceed twenty-five (25) pages in length
12 without leave of the judge who will hear the motion. No reply
13 memorandum shall exceed ten (10) pages without leave of the judge
14 who will hear the motion.

15 Pursuant to Civil Local Rule 7.1(f)(3)(c), if an opposing
16 party fails to file opposition papers in the time and manner
17 required by Civil Local 7.1(e)(2), that failure may constitute a
18 consent to the granting of a motion or other request for ruling by
19 the court. Accordingly, all parties are ordered to abide by the
20 terms of Local Rule 7.1(e)(2) or otherwise face the prospect of any
21 pretrial motion being granted as an unopposed motion pursuant to
22 Civil Local Rule 7.1(f)(3)(c).

23 Should either party choose to file or oppose a motion for
24 summary judgment or partial summary judgment, no Separate Statement
25 of Disputed or Undisputed Facts is required.

26 5. Further settlement conferences shall be held at
27 appropriate intervals during the course of the litigation in the
28 chambers of Judge Ruben B. Brooks. A further settlement conference

1 and order to show cause hearing shall be held on August 8, 2008, at
2 1:30 p.m. A mandatory settlement conference date will be set at
3 one of the scheduled settlement conferences.

4 All parties, claims adjusters for insured Defendants and non-
5 lawyer representatives with complete authority to enter into a
6 binding settlement, as well as the principal attorneys responsible
7 for the litigation, must be present and legally and factually
8 prepared to discuss and resolve the case at the mandatory
9 settlement conference and at all settlement conferences. Retained
10 outside corporate counsel shall not appear on behalf of a
11 corporation as the party representative who has the authority to
12 negotiate and enter into a settlement. Failure to attend or obtain
13 proper excuse will be considered grounds for sanctions.

14 If Plaintiff is incarcerated in a penal institution or other
15 facility, the Plaintiff's presence is not required at conferences
16 before Judge Brooks, and the Plaintiff may participate by
17 telephone. In that case, defense counsel is to coordinate the
18 Plaintiff's appearance by telephone.

19 **Confidential written settlement statements for the mandatory**
20 **settlement conference shall be lodged directly in the chambers of**
21 **Judge Brooks no later than (five court days before the mandatory**
22 **settlement conference).** The statements need not be filed with the
23 Clerk of the Court or served on opposing counsel. The statements
24 will not become part of the court file and will be returned at the
25 end of the conference upon request. Written statements may be
26 lodged with Judge Brooks either by mail or in person.

27 Any statement submitted should avoid arguing the case.
28 Instead, the statement should include a neutral factual statement

1 of the case, identify controlling legal issues, and concisely set
2 out issues of liability and damages, including any settlement
3 demands and offers to date and address special and general damages
4 where applicable.

5 If appropriate, the Court will consider the use of other
6 alternative dispute resolution techniques.

7 6. Despite the requirements of Civil Local Rule 16.1(f),
8 neither party is required to file Memoranda of Contentions of Fact
9 and Law at any time. The parties shall instead focus their efforts
10 on complying with their pretrial disclosure requirements under rule
11 26(a)(3) of the Federal Rules of Civil Procedure by June 8, 2009,
12 and drafting and submitting a proposed pretrial order by the time
13 and date specified by Local Rule 16.1(f)(6).

14 7. Counsel shall confer and take the action required by
15 Local Rule 16.1(f)(4) on or before June 12, 2009. A personal
16 meeting between an incarcerated Plaintiff, acting in pro per, and
17 defense counsel is not required.

18 At this meeting, counsel shall discuss and attempt to enter
19 into stipulations and agreements resulting in simplification of the
20 triable issues. Counsel shall exchange copies and/or display all
21 exhibits other than those to be used for impeachment, lists of
22 witnesses and their addresses including experts who will be called
23 to testify and written contentions of applicable facts and law.
24 The exhibits shall be prepared in accordance with Local Rule
25 16.1(f)(2)(c). Counsel shall cooperate in the preparation of the
26 proposed final pretrial conference order.

27 8. The proposed final pretrial conference order, including
28 objections to any party's Fed. R. Civ. P. 26(a)(3) pretrial

1 disclosures, shall be prepared, served and lodged with the Clerk of
2 the Court on or before June 17, 2009, and shall be in the form
3 prescribed in and in compliance with Local Rule 16.1(f)(6).
4 Counsel shall also bring a court copy of the pretrial order to the
5 pretrial conference.

6 In addition to submitting the proposed final pretrial
7 conference order, the parties are further ordered to separately
8 submit informal letter briefs, not exceeding two single-spaced
9 pages, served on opposing counsel and received in the chambers of
10 the Honorable Thomas J. Whelan, United States District Court Judge
11 (and not filed with the Clerk's Office) no later than (five days
12 prior to Pretrial Conference).

13 The letter brief should be a relatively informal and
14 straightforward document. The letter brief should outline a short,
15 concise and objective factual summary of the party's case in chief,
16 the number of hours/days each party intends to expend at trial, the
17 approximate number of witnesses, whether certain witnesses will be
18 coming in from out of town, the number of testifying expert
19 witnesses, whether any unique demonstrative exhibits may be
20 presented, the number of proposed motions in limine that may be
21 filed, precisely when the parties would be prepared to submit their
22 in limine papers (and whether the parties have met and conferred
23 with respect to in limine issues), the issue of proposed jury
24 instructions and when the parties intend to submit them before
25 trial, and voir dire issues, either party's preference as to what
26 date(s) the trial should begin and any other pertinent information
27 that either party may deem useful to assist the Court in the
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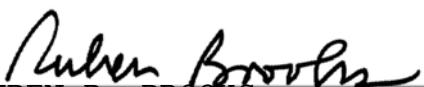
1 execution of the pretrial conference and in setting the matter for
2 trial.

3 9. The final pretrial conference shall be held before the
4 Honorable Thomas J. Whelan, United States District Judge, on June
5 22, 2009, at 10:30 a.m.

6 10. The dates and times set forth herein will not be modified
7 except for good cause shown.

8 11. Plaintiff's(s') counsel shall serve a copy of this order
9 on all parties that enter this case hereafter.

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11 Dated: April 28, 2008


12 RUBEN B. BROOKS
United States Magistrate Judge

13 cc: All Parties of Record
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CASE RESOLUTION GUIDELINES

Attendance

All parties and claims adjusters for insured Defendants and representatives with complete authority to enter into a binding settlement, as well as the principal attorney(s) responsible for the litigation, must be present and legally and factually prepared to discuss and resolve the case. Failure to attend or obtain proper excuse will be considered grounds for sanctions.

Case Resolution Conference Briefs

Written statements, when specifically requested, shall be lodged in the chambers of Judge Brooks no later than five court days before the scheduled conference. The statements will not become part of the court file. Written statements may be submitted on a confidential basis and lodged with Judge Brooks either by mail or in person.

Any statement submitted should avoid arguing the case. Instead the statement should include a neutral factual statement of the case and concisely set out issues of liability and damages, including any settlement demands and offers to date, and address special and general damages where applicable.

If appropriate, the court will consider the use of other alternative dispute resolution techniques.

If you have any further questions, please feel free to contact my research attorney, at (619) 557-3404.